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January 9, 2025

Via ECF

Honorable Thomas I. Vanaskie, Special Master
Stevens & Lee, P.C.
1500 Market Street, East Tower, 18th Floor
Philadelphia, Pennsylvania 19103

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability
Litigation*, No. 1:19-md-02875 (D.N.J.)

Dear Judge Vanaskie:

Please accept this agenda letter on behalf of Plaintiffs in advance of the
January 13, 2025 status conference.

1. Wave Two Bellwether Pool.

Plaintiffs' Leadership met and conferred with counsel for Defendants
Walmart, Walgreens, and Cigna on January 9, 2025, and were informed that all three
downstream defendants would be asserting their *Lexecon* rights, which implicates
three of the cases selected in the Court's Order, dated December 31, 2024; those
cases are Garcia, Dufrene, and Smalls. Plaintiffs' Leadership has communicated this

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information to individual plaintiff's counsel for the three implicated cases, and Plaintiffs' Leadership will be prepared to discuss specifics of these cases, as well as the remainder of the cases in the Order at the January 13, 2025 CMC. Plaintiffs' Leadership has also requested that individual counsel for the five selected cases be available to appear at the CMC if necessary.

2. Defendants' Request to Resume Regular Case Management Conferences in Accordance with CMO Nos. 2 and 16

Plaintiffs note that Judge Vanaskie held two status conferences in October 2024 and two in December 2024. Plaintiffs defer to the Court on whether to "resume regular case management conferences," presumably with Judge Bumb as well as Judge Vanaskie.

3. Schedule for Selection and Workup for "Wave Three" Bellwether Cases.

Defendants have had no discussions with Plaintiffs regarding a "Wave Three" of trial cases, what types of cases would be included in such a wave, when such a workup would begin, etc. Plaintiffs request that, as an initial matter, Defendants be required to present their position, and meet and confer with Plaintiffs prior to making proposals on a "Wave Three" to the Court.

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4. Plaintiffs' Update Regarding ZHP's Certificates of Analysis, Material Safety Data Sheets, and Document Protocols.

Plaintiffs and ZHP are continuing to meet and confer regarding a potential stipulation regarding the certificates of analysis and material safety data sheets. ZHP's counsel proposed the stipulation, and Plaintiffs provided proposed edits. ZHP's counsel agreed to propose modified/additional language during the Parties' most recent meet and confer on January 6, 2025. Plaintiffs propose January 24, 2025 to submit the next update, if acceptable to the Court. Plaintiffs anticipate that if agreement cannot be reached then or shortly thereafter, they will likely need to present any remaining dispute(s) to the Court.

5. Defendants' January 8, 2025 Request Regarding Counsel for Bellwether Plaintiffs.

Plaintiffs' leadership has notified the counsel for the twenty-five selected bellwether plaintiffs that they should enter any necessary revised notices of appearances in their cases by January 15, 2025. Additionally, leadership has requested that an attorney representing each Wave One and Wave Two bellwether plaintiff appear during the January 13, 2025 status conference.

6. Proposed Order Requiring Production of Data from Retailers as Relates to the Vivimed Settlement.

Consistent with prior orders entered by the Court requiring the production, for the purposes of settlement class notice and administration, of certain Protected

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Health Information (“PHI”) related to specific valsartan, irbesartan, and losartan containing drugs, the Parties intend to submit a proposed order, for the Court’s consideration, requiring the production of certain PHI related to the specific losartan containing drugs at issue in the Vivimed settlement.

Thank you for your courtesies and consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Adam M. Slater', written over a horizontal line.

Adam M. Slater
Plaintiffs’ Liaison Counsel

Cc: Counsel of record (via ECF)